

A N O R D I N A N C E

TO PROVIDE ON A TEMPORARY BASIS FOR RESTRICTED HOURS FOR MINORS UNDER EIGHTEEN YEARS OF AGE BETWEEN 10:00 P.M. AND 6:00 A.M. ON WEEKENDS AND THE NIGHTS BEFORE HOLIDAYS IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF GREENVILLE

WHEREAS, City Council places great value upon the right of members of the public to walk freely upon the public streets and public spaces of the City without undue hindrance or threat to safety; and

WHEREAS, during the summer of 2008 a large number of youths began congregating in Falls Park and near the Park's entrance in such numbers as to cause interruptions in the safe flow of vehicular and pedestrian traffic on Main Street and Camperdown Way and to cause threats to the safety of the youths themselves and others desiring to use the same or nearby space; and

WHEREAS, the threats decreased when the City Manager in the exercise of managerial authority over park space limited access to the Park and the plaza of its entrance after 9:00 p.m. to minors who were not accompanied by an adult; and

WHEREAS, in the summer of 2009 similar acts of congregating youths and youths engaged in acts of physical confrontation with one another and other members of the public have now spread beyond Falls Park and its entrance to much of Main Street and surrounding streets, plazas, and public spaces; and

WHEREAS, the City Manager and the Chief of Police have reported to City Council that on the most recent weekend there were in excess of one thousand youths in downtown and a significant number were congregating, engaging in taunts and fights, banging their fists on cars, in the street, blocking the movement of vehicular traffic and pedestrians on the sidewalk, harassing patrons leaving restaurants, and on one occasion engaging in a fight that spilled into a restaurant having its doors open to Main Street; and

WHEREAS, the youths who create these circumstances have no parental supervision while in the downtown area, and many have been deposited downtown by adults who then drive away and such situations are intolerable; and

WHEREAS, there is a compelling need to establish a safe environment created by unsupervised minors on the public spaces downtown, and waiting to enact two readings of an ordinance will not address the imminent threat of additional unruly behavior prior to the upcoming Labor Day Weekend, and S. C. Code § 5-7-250 authorizes a City Council to adopt an emergency ordinance by the affirmative vote of two-thirds of the Council without notice or hearing, provided the ordinance expires automatically on the sixty-first day following the date of enactment;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA:

SECTION 1. Hours, location, and restrictions. It shall be unlawful for a minor under eighteen years of age to walk, linger, sit, stand, run, or lie down on any sidewalk, street, plaza, or park space or upon any bench or other fixture attached thereto within the Central Business District as defined by the Official Zoning Map of the City of Greenville between the hours of 10:00 p.m. on Friday and 6:00 a.m. the next morning, or between 10:00 p.m. on Saturday night and 6:00 a.m. the next morning, or between 10:00 p.m. the night before any holiday observed by the City and 6:00 a.m. the next morning, unless the minor is accompanied by a parent, legal guardian, or an adult having custody, care, and responsibility for the care of the minor and residing in the same household as the minor. Nor shall any minor under the age of eighteen years of age drive or ride in or upon any motor vehicle or other device having wheels during the prescribed hours unless accompanied by a parent, guardian, or other adult having custody, care, and responsibility for the care of the minor and residing in the same household. Notwithstanding the terminology used in this ordinance, the restriction on hours of unaccompanied minors shall be given the same legal effect as a curfew as generally used in statutes and ordinances in the United States.

SECTION 2. Exemptions. The following persons or conditions shall not be subject to the restricted hours of presence in the Central Business District:


- a) an emancipated minor, who can demonstrate an emancipated status;
- b) a minor proceeding directly from home to:
 - i. a church or other place of worship for religious services or supervised activities;
 - ii. a place of bona fide employment for the minor in transit;
 - iii. a hospital or urgent care facility for purposes related to a medical condition needing attention;
 - iv. a destination under the written directive of parent, guardian, or custodial adult of the same household for purposes of performing an errand; or
 - v. to home from any of the above enumerated destinations.

In all instances enumerated in this section, the unaccompanied minor must be traveling in the most direct route possible, without circumvention through the Central Business District.

SECTION 3. Penalties and retention. Any minor violating the provisions of this ordinance is subject to a civil fine in an amount equal to the dollar amount of the general penalties clause, Section 1-5, of the City Code, but shall not be subject to a jail term. The police are authorized to take custody of a minor failing to obey a directive to leave and to retain custody of the minor at a central location of the choosing of the City Manager in consultation with the Chief of Police until the minor is retrieved by the minor's parent, guardian, or custodial adult of the same household. Nothing in this clause precludes other charges or other penalties for violations under other provisions of law, including but not limited to disorderly conduct and assault and battery.


SECTION 4. Duration. This ordinance is an emergency ordinance adopted unanimously by the full Council pursuant to the powers vested in the City Council by S.C. Code § 5-7-250. It shall remain in effect for sixty days following its enactment, and shall expire on the sixty first day, October 31, 2009.

DONE, RATIFIED AND PASSED THIS THE 31 DAY OF AUGUST, 2009.



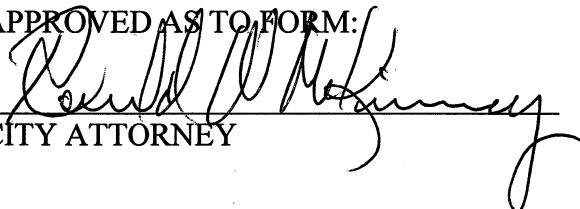
MAYOR

ATTEST:




CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED:



CITY MANAGER